REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on August 13, 2003, the Examiner rejected claims 1-43 under 35 U.S.C. §103(a) as being upatentable over Lawson et al. (United States Patent No. 5,721,825, hereinafter "Lawson") in view of Boukobza et al. (United States Patent No. 6,122,664, hereinafter "Boukobza"). Accordingly, Applicant respectfully provides the following:

The standard for a Section 103 rejection is set for in M.P.E.P 706.02(j), which provides:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Applicants respectfully submits that the references cited by the Examiner do not teach or suggest the limitations claimed in the present invention. Lawson teaches a system and method for globalizing event notifications in a distributed computing environment. The current system and method can be used with virtually any underlying event notification system. In one preferred embodiment, the present invention is designed to work in conjunction with current event notification systems to achieve the desired functionality. (col. 4, lines 26-32) Lawson presumes an underlying event notification system which: (1) allows local event consumers to register for notification of an event; and (2) sends notification of events that occur to registered local event consumers. In addition, it is desirable for some embodiments to allow registration of custom event types. If an underlying event notification system does not provide the ability to register locally for an event, does not send even notifications to locally registered event consumers, or

does not allow registration of custom event types, then this functionality can be provided as part of the invention of Lawson. (col. 4, lines 32-44)

In Lawson, it is a primary object to provide systems and methods for global event notification and distribution. Another primary object is to provide systems and methods for global event notification that allow a local event consumer to receive notification of events without registering with each individual server in the network. Another object of Lawson is to provide systems and methods for global event notification and distribution that eliminate duplicate event notifications. A further important object of Lawson is to provide systems and methods for global event notification and distributions that allow a user to register and trigger a custom event type. (col. 6, lines 16-31)

Boukobza teaches a process that makes it possible to monitor n machines, that is n nodes, N1, N2, . . . , Nn, from a management node MN. For the intercommunication to which the invention relates, the management node MN chiefly comprises a certain number of components, including the graphical user interface GUI and the configuration file CF. The interface GUI makes it possible to show, in the main window on the screen, the objects selected from the list of the objects that can be displayed, with one icon for each object having a color, for example green, orange and red, that depends on its status. Also, when an object is selected and a "zoom" is requested by means of the menu bar, a window with the name of the object is displayed, which contains all the objects which compose this object. The interface GUI also allows the display of parameter value curves, with several curves in the same graph, if desired. During the configuration of the monitoring, a list of graphs can be added to each object described, while a list of parameters to be displayed is associated with each graph. The interface GUI makes it possible to call at least one management tool for each type of object while moreover, the

expertise or the stored experience of a user or a user's tool, which is a valuable aid for monitoring, can advantageously be displayed. The configuration file CF contains all of the configurations of the objects with the description of these objects, as well as all of the predefined static or dynamic parameters; it can be analyzed and dynamically modified or added to. By downloading the configuration file, for example, the autonomous agents are installed, via the interface IWMN (of the node N1) with the management node MN, in the nodes to be monitored from the management node MN, a specific command being used to install the autonomous agent SAA, as in the FIGURE, in the node N1. Each node to be monitored has its own files SL ("scanlog") of parameters, conditions and associated actions which allow it to control its own monitoring, while the management node also holds the status files of the nodes to be monitored as well as the parameter display files (a set of "trace" files TF). The updating of the list of the nodes in which an autonomous agent is installed is done automatically by the management node. The starting and stopping of the monitoring process are controlled by the management node. A new object can easily be incorporated by the process according to the invention and monitored by an autonomous agent that has already been configured. An autonomous agent SAA is chiefly composed of a generic agent GA related to specific modules SM (SM1, SM2, . . . , SMn), each of which is specific to an object type or to a particular domain, and of files, one of which is intended to contain the basic functions BF used. (col. 4, line 36 to col. 5, line 18)

In contrast, independent claims 1, 11, 21, and 31 of the present invention include limitations directed to identifying specific events within a list of events to be monitored for a specific purpose and monitoring said specific events as they are passed from one controller to another controller of a distributed computer environment. Such limitations are supported by the disclosure as originally filed. Neither Lawson nor Boukobza, alone or in combination, teach or

suggest these limitations. The Examiner indicated in the Office Action that "Lawson does not explicitly discloses identifying specific events within the list of events to be monitored for a specific purpose." (see page 3 of the Office Action) Further, Boukobza does not teach or suggest such limitations.

Applicant respectfully submits that for at least the reasons provided herein, the references cited by the Examiner, alone or in combination, do not teach or suggest all the claim limitations. And, since the references cited by the Examiner do not teach or suggest each and every limitation of the independent claims, Applicant respectfully submits that the prior art references do not make obvious the claim set as provided herein.

Thus, Applicant respectfully submits that for at least the reasons provided herein, the claim set overcomes all rejections made by the Examiner in the Office Action.

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 13 day of November, 2003.

Respectfully submitted,

Michael F. Krieger
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 321-4814
Facsimile: (801) 321-4893

DBT:lc
709804